

OFFICIAL MINUTES JANUARY 22, 2014  
CITY OF GUNNISON PLANNING AND ZONING COMMISSION  
REGULAR MEETING

7:00PM

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MEMBERS	PRESENT	ABSENT	EXCUSED
Erik Niemeyer			X
Erich Ferchau	X		
Andy Tocke	X		
Bob Beda	X		
Sharon Cave	X		
Greg Larson	X		
Councilor Stu Ferguson	X		

OTHERS PRESENT: Community Development Director Steve Westbay, City Planner Andie Ruggera, Planning Technician Pam Cunningham, Russell Forrest, Barbara Rider, Shane Rider, Jay Miller, Mike Dawson, Cheri Moyer, Jeff Wilkinson, Ken Coleman, Susan Teal, Brad Tutor, Carolyn Riggs, and Vivian Hansen.

**I. CALL TO ORDER AT 7:00 PM BY CHAIR GREG LARSON**

**II. PLEDGE OF ALLEGIANCE TO THE FLAG**

**III. UNSCHEDULED CITIZENS.**

**IV. ZA 13-6, SUBMITTED BY GUNNISON COUNTY REQUESTING A MAJOR CHANGE TO A PUD TO AMEND THE PARKING REQUIREMENTS IN THE PUD COMMERCIAL ZONE DISTRICT.**

**Open Public Hearing.** Chair Larson opened the public hearing at 7:01p.m.

**Proof of Publication.** Proof of publication was shown for the record.

**Review of Process.** Director Westbay reviewed the process for a Major Change to a PUD. The *Land Development Code (LDC)*, Section 15.150.070 F.1. (Major Changes) states “changes which alter the concept or intent of the planned unit development including increases in density, changes in the height of buildings, reductions in proposed open space, changes in the development sequencing, changes in road standards, or changes in the final governing agreements, provisions, or covenants may be approved only by submission and reconsideration of a new PUD zoning plan and supporting data.” A public hearing is required and all major changes to the PUD must be recorded with the Gunnison County Clerk and Recorder.

The Planned Unit Development *LDC* Section 15.150.030 D. through F., specifies that a Major Change to a PUD application be reviewed by the City of Gunnison Planning and Zoning Commission (Commission) at a public hearing after 15 days public notice. The Commission recommends to City Council, to approve, approve with conditions, deny or remand the application back to the applicant with instructions for modification. City Council shall consider the recommendation of the Commission at a public hearing and shall, by ordinance, approve, deny or remand the application back to the applicant with instructions for modification or additional information.

Documents relevant to this review include, but are not limited to:

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- City of Gunnison Ordinance 11, Series 2006 and all document contents of the related PUD application (ZA 06-6) that comprise the record of those proceedings;
- *City of Gunnison Land Development Code*; and
- *City of Gunnison Master Plan*.

Director Westbay explained the history of the property. He said that Gunnison County submitted an application in 2006 to amend the zoning of the Courthouse property from the Commercial zone district to PUD Commercial zone district. At the time, the County was preparing for a possible jailhouse expansion. A driving factor for the PUD application was the fact that parking demand standards related to the underlying Commercial zone district were not achievable without building a major parking facility. The PUD Zoning Amendment was passed by the City Council (Ordinance 11, Series 2006) with specific standards for future uses, dimensional standards and minimum parking on the site. Since the zoning change, Gunnison County has built the Public Safety Center that houses the County Sheriff's Office and the detention facility.

Under the Major Change application, the floor area is significantly reduced. The proposed site is approximately 43,651 square feet. In 2006 there was extensive review of parking. Staff estimates that there are 1,000 parking spaces downtown. During review of the plan it was estimated that the jail would generate five additional spaces. The PUD site plan was for 43 off-street parking spaces.

Director Westbay explained reasons for a PUD. He said the main thing to consider is the civic component of the courthouse and how it functions in the downtown area. One issue to address is the wastewater main which goes under the existing building. The project engineers have given staff a plan to relocate the sewer main.

Director Westbay reviewed the Staff Observations and the relevant powers of the city as a home rule municipality.

- The underlying factor for the 2006 application was the fact that parking demand standards for a building the size of the courthouse could not be met without building a major parking facility. There are periods of time when parking demand will increase depending upon activities at the courthouse. Developing enough parking for those unique times would result in a parking facility that is underutilized. Parking is very expensive and there is a financial consideration that is important to think about.
- The application request is to change the required minimum parking [under the PUD] of 43 spaces to 35 spaces, which are proposed in the site plan.
- Staffing at the Courthouse has decreased because of relocation of offices and personnel to the detention center and the Blackstock Government Center.
- There are activities at the Courthouse that are temporary and will generate parking demand that exceeds existing and future parking capacity.

Director Westbay concluded by saying that the courthouse is also an economic driver for the community.

**Applicant Presentation.** Russ Forrest, Assistant County Manager and Director of Community Development, addressed the Commission. He stated that the County is asking for an amendment to Ordinance 11-2006. The request is the result of a number of community meetings over the years and the public sentiment was to create a lot of civic space. Therefore, maintaining that area was important in the design. Mr. Forrest stated that the reduction in personnel will allow efficiency of design and that they are trying to preserve the existing site and maximize landscaping. The County is asking for an amendment to modify off-street parking from 43 spaces to 35 spaces. He said that they could fit the spaces on the site, but the goal is to maximize the landscaped area.

Mr. Forrest continued by explaining that the planning and development was approved in 2006 for expansion of the detention and Sheriff facilities. He said that the building also has functional obsolescence, significant structural issues, and asbestos. Therefore, redevelopment of the existing building would be cost prohibitive.

He gave an overview of the site and elevation plan and the functions that will remain in the courthouse. In regard to the development parameters of 2006, the only one the County is asking to change is parking. The square footage of the building will be 36,000 square feet less than what was approved in 2006, which is what is driving the reduction of parking. Landscaping will be increased. From a proportionate standpoint, the applicant feels it is a reasonable request. He said there will be a permanent reduction of 48 employees or 48 percent.

Commissioner Ferchau asked how many parking spaces would be required under the current *LDC*. Director Westbay replied that the requirement for a government administrative facility is one parking space per 300 square feet, or 145 spaces. Commissioner Ferchau asked what it would be under the new *LDC*. Director Westbay replied that it would be 145. Commissioner Ferchau asked if the recommendation in 2006 was because the City didn't want a parking deck. Director Westbay replied that with the percent coverage, ingress and egress, it would be a very large footprint with a substantial price tag. Commissioner Ferchau stated that from his perspective it is the difference of 145 spaces to 35, according to the *LDC*. He said that any other applicant would have to comply. Director Westbay responded that in the existing code and the new code, there are flexibilities to look at parking demand in a more rational and quantified manner. If an application comes in with a use of different durations, there can be co-occupancy of parking for daily fluctuations in use. There can also be reductions for floor area and number of employees. He said these scenarios are discussed with other applicants. Commissioner Ferchau said he supports the flexibility of the code.

Commissioner Beda stated that under the *LDC* in 2006 if the Courthouse were zoned Commercial, 206 parking spaces would have been required.

Mr. Forrest stated that if he were any other developer, he would be under the *PUD*. Commissioner Ferchau replied, "Yes, it's a reduction of another eight spaces, but it has already been a reduction of 100+." Mr. Forrest responded that in 2006 it was considered that this was consistent with the City's *Master Plan* and *PUD*. The County feels it is significantly less impactful.

Commissioner Cave asked Mr. Forrest how many employees are actually working at the Courthouse now. Mr. Forrest responded that there are 44. Commissioner Cave observed that there aren't enough parking spaces for the employees.

Chair Larson asked Mr. Forrest what he anticipates the number of employees being over the next 5-10 years, as government grows. Mr. Forrest responded that is hard to answer. He said the County

doesn't see any other offices or programs being added and they don't anticipate anything. He said individual departments could change over time, but no other facilities, programs or offices are being anticipated. He said the County is trying to optimize the space at Blackstock's.

**Chair Larson invited Public Input.**

- Cheri Moyer addressed the Commission. She has an office on Georgia. Addressing Mr. Forrest she asked; "If there are 45 employees in the new facility, I'm sure you have an idea of how many users you will have. On a regular basis, how many people pass through in a day?" Mr. Forrest said, "I don't have that number. But, with the functions that are now being contemplated, there are fewer than what there has been." Ms. Moyer replied, "So you don't have enough places for employees and clients?" Mr. Forrest responded that there is on-street parking. Ms. Moyer asked how much of the parking is in residential areas. Mr. Forrest replied that "My observation is that I haven't seen, outside of a busy day in court, I still see plenty of parking. Based on experience and history, parking should be better." Ms. Moyer asked if there an incremental change in handicapped parking. Mr. Forrest responded, "There will be better handicapped parking, it will be better designed and more accessible. It should be better than today."

Ms. Moyer asked if, for off-site parking, there will still be two-hour limits. Director Westbay responded that the City has the authority to regulate parking in the right-of-way. The Police Chief regulates parking and staff talks about changes when they are proposed. It is an administrative function. Parking limits, as well as design and angle, can be changed. The angle could be changed to 45 degrees, but that would diminish functionality. He said that it is all public parking and the City doesn't regulate who uses the spaces. Parking in front of residences can be used by anyone. Ms. Moyer asked if it would be the same hourly parking and Director Westbay replied that it would be.

- Mike Dawson addressed the Commission. He is a partner with O'Hayre, Dawson and Norris at 120 N. Taylor. He said he has been at that location since 1996 and is very familiar with the issue. He said, "This is a zoning change, so the discussion should be about change. The County can add functions to the Courthouse. As admitted by the County, they don't want to do it. They have said it is for civic events at the Courthouse. I have never seen that. Civic events are in the right-of-way. We want the County to be part of the solution, not exacerbating the problem. The CBD is underparked. When there are jury trials, funerals, or bike races the overflow is in all directions. The only relief is Blackstock's parking. Additionally, regarding Steve Westbay's comment that parking is \$22,000 per space; that is for a parking structure. What it costs the County now, is asphalt and scraping a couple of trees. I agree with Erich on the 145 spaces if it were anyone else [another applicant]. We need to look forward. What is there today does not matter, but what will be there in the future. My parents were teachers so I'm going to give you a grade analogy. The minimum passing grade is D-. The County is giving you an F and not doing their homework either. The "homework" is how we are impacting the community. That is why the PUD amendment. We request denial and that you make them put in the eight spaces. What we deserve is 100 spaces. We deserve them to be part of the future. We will have to build structured parking in the future."
- Jay Miller addressed the Commission. He said, "I second what Mike just said. I live on North Taylor in the impacted area and my family has also had businesses downtown for

about a century. We have always had parking problems. It is an issue that has not gone away. We are at a point when we are looking for solutions, instead of exacerbating the problem.”

- Brad Tutor addressed the Commission. He said, “I have a couple of perspectives. I own a business and I understand parking. It is difficult. It is only eight spaces, but we need them. I have customers complain about parking. Employees have a difficult time finding parking. The vibrancy of downtown drives what happens in the city. The City loses the County loses. From the County and City perspective – there are regulations and the PUD that states we should have more. This county is the least business-friendly county in the state. When someone wants to come here the first thing they hear is “here is the LUR, read, it, there’s a test at the end”. The County should play by the same rules. By denying, it tells them “you need to play by the same rules”. I recommend denial. As a business owner, I used to work in construction, and I am familiar with their rules and regulations, you should deny it.”
- Susan Teal addressed the Commission. She stated she is a business owner. She owns a bike shop and none of her employees drive to work. She said, “Eight spaces is minimal to add. Yes the green space is great. I take my kids there [to the Courthouse property] all the time in the summer and I don’t see very many people using it. Eight spaces would be a useful part of the Courthouse. It does cause a problem for downtown business owners. Agree the eight spaces would be useful.”
- Jeff Wilkinson addressed the Commission. He said, “I have a lot of property in the city. One of the principal reasons for redoing the Courthouse is that every 30 years or so we have a big trial. I served on the County Planning and Zoning Commission and they were strict for building. If your plan did not fit, it was up to you to change. The City is more flexible than the County. It irks me when a government entity does not have to live by the rules they impose on the people that pay their salaries. Be a part of the solution. When the Farmers Market is in session you have to park by the Episcopal Church. It’s not fair for the County to exempt themselves at the expense of the economic motor of the city. Put the maximum in. Live by the same rules the County puts on others.”
- Barb Rider addressed the Commission. She is the office manager of Gunnison Family Physicians. She said “Parking is hard for a lot of older patients and there is only one handicapped spot. When the Farmers Market is on weekends it is hard for people to get to the office. Downtown activities take away from parking. We had to close during the bike race because no one could get to the office. Taking away would add to that.” She asked Mr. Forrest if, during the remodel, the area around the Courthouse will be closed. Mr. Forrest replied that it would not.
- Jay Miller asked if there is parking on the northeast corner where the jail used to be and if that will that be utilized as parking. Mr. Forrest replied that it will be a covered sally port and will be dedicated space.
- Vivian Hansen addressed the Commission. She is an employee at Circus Train. She said, “I am all for [eight more] parking spaces.” She asked where they would be. Mr. Forrest indicated that they would be on the south side of the building.

- Ken Coleman, City Manager, addressed the Commission. He said, “I was involved in the 2006 discussion. At that time I heard the various issues and concerns mostly concerning parking. The late Rick Miller was in favor of creating more parking for downtown. The CBD does not require off-street parking, so when we talk about increasing parking, it doesn’t fall on businesses in the CBD, but those outside that area. On-street parking is at a premium. To request another developer to accommodate those needs is something that I don’t believe is reasonable. It is a community issue – if parking is the main focus, it is something we need to resolve from a City perspective, it doesn’t mean the County can’t be helping in being part of the solution. They can’t go to the 145 [parking spaces]. Anyone can negotiate a PUD. It doesn’t mean we will impose strict zoning standards on every development. The PUD is a legal document. We are starting at 45 spaces. That is where we are. To start saying we are going to the 145 threshold is not reasonable in my view. It doesn’t mean I don’t support what some of the people so eloquently have spoken. It is a community issue; it is incumbent upon us to solve issue collectively.”

He continued by saying, “Hopefully there can be historic preservation of the structure that has meaning to the community. The functions that are supplied by the County in that Courthouse area are valuable to the community as well. It is an attraction unto itself. To have a large case tested in those court rooms brings many visitors, whether or not we feel that is desirable. The civic space is really where it fell out in 2006—that it was important to have space that has potential for gathering. If it were developed as such and promoted as that, it could add value, it could create vibrancy. I think there are some reasons to support this request as well. I can’t say we haven’t gone through this discussion without cost; it has been contentious. I am not happy we have come to this point by the means we have. But I am pleased we are here to find a solution through this process. This is the right way to do this. A change to the PUD is appropriate and would be allowed by any application that came before us that had a PUD. I don’t believe there is favoritism or leniency because of who the applicant is, but this is something we would consider for anyone. As far as downtown parking, I would commit to looking for locations that would help resolve the burden that exists. Don’t know if the County would be in with me or not. When we contemplated the PUD there was an Intergovernmental Agreement that was discussed but not developed. We can look forward and hope future discussions will help. I am here to request favor to the request because of the amenity of the improvements that are offered. I understand the concerns that are expressed. We have talked [about parking] forever, since I came here in 1981. We have never come to any conclusions on it.”

Commissioner Ferchau asked Mr. Coleman where he would propose putting the “Ken Coleman parking lot.” Mr. Coleman responded that the area behind the Family Dollar store has been offered as an option. He said he has given this consideration for the last 20 years. It takes some investment for purchasing that space and capital development dollars will be necessary. We have talked about lease options. I have given it some consideration.” Commissioner Ferchau observed that it would be expensive. He said, “Given the opportunity, at the County’s property, why don’t we try to maximize parking?” Mr. Coleman responded, “My first statement to Matthew was to put in the eight parking spaces. Their plan and commitment to that development is worthy of consideration as well. I have no problem with supporting what they are proposing.”

Mr. Forrest said, “I appreciate the heartfelt comments. The reason we are here is not the cost. The people I work for believe it is the best site plan. The County is an economic generator day-to-day with their employees. There are two ways to look at parking—providing space and reducing

demand. In terms of equity, if a private developer was approved for 45 spaces and offered to reduce the square footage, it is a reasonable request.”

- Susan Teal said, “What Ken brought up was a good point. Parking is an issue in general. The Courthouse needs to try to contain their parking without overflowing to the downtown area. Employees of businesses downtown park by the Courthouse where there isn’t two-hour parking. Those people will be pushed further away or they will take customer parking.
- Mike Dawson said, “You cannot look at what is current, you need to look at the square footage that has been approved. They aren’t agreeing to take out uses. This is a zone change on the maximum square footage and usage. This parking change will be permanent.”

Planner Ruggera introduced an e-mail from Delaney Keating and Mallory Logan into the Public Record. She said she had also received phone calls inquiring about the proposal from Jeannie Kelley and Courtney Murphy.

**Staff Presentation.** Director Westbay addressed the Commission. He said, “Mike Dawson brings up good point on zoning. We need to have a discussion on the Findings and Conditions. The record is established by the application of site-specific development plans. Staff did not put Conditions on the reduction of square footage of the building or landscaping. The Conditions are based on the record of PUD 2013-6. If there are additional changes in the future the City should have the latitude to require a Major change if future uses change square footages and usage. We could have a Condition that they can only build to a certain square footage.”

### **Commission Discussion**

Commissioner Ferchau said, “I am a business owner downtown, and have been faced with a new parking fee for parking tickets. I am guilty of thinking I’ll be there 15 minutes and am still there 5 hours later. Because the CBD is not required to have parking, but I still need a place to park. I ride my bike a lot of the time, so does Ken. Maybe we don’t mind walking a block [from the possible parking lot by the Family Dollar]. People aren’t going to park on Main Street because of parking fees; that is a motivating factor to move that parking off Main Street. For the record, we need to acknowledge the 146 as parking spaces. If they get a PUD it will be something less. For the record, we need to see that 146 for the next guy is the starting point. You need to appreciate the fact that when you got the PUD in 2006 that was huge reduction, don’t take it for granted. We have had festivities there, I remember a wine festival. If we have more gatherings there, it requires more parking downtown. It should be a motivator for you to put in as many parking spaces as you can. ADA parking is great but also reduces what the general public can use. It is about the process, it is about looking forward. We are spoiled. A block isn’t far, but it is all relative. I commuted in Atlanta and a 30 minute drive was nothing. After you have lived here a while, 5 minutes gets to be a long time. If this is passed, and we have a 43,000 square foot building, if you want more square footage in the future you should put in more parking. We give and give, you take and take. If we build the parking deck, it won’t be enough for the kind of vibrancy we want downtown.”

Commissioner Tocke had no comments.

Commissioner Beda stated, “On the Development Statistics – it is hard to envision what things will look like. It looks like the square footage for parking spaces is different between the existing, the PUD and the proposed; it is a 5,500 square foot reduction of what is currently there. There should be a way to figure out how to put those spaces in there. Whenever we have large scale retail [proposals] people abhor the sea of concrete and stormwater runoff. They always want stores to reduce parking spaces, which means they have to reduce the square footage of the store. So, it is a deal breaker. We hate to pave on one aspect, but we need more from another aspect. I don’t understand the figures on reducing the spaces by not that many but the square footage is larger. I would like to see if there is a work around. We could relieve all this heartburn if you would just add eight parking spaces. It looks like you have plenty of room right now. I would like to see if we could get more information on that.”

Commissioner Cave said, “I can’t get around that having 44 employees you only want 35 spaces; they will have to park on the street. I worked downtown for 10 years; I walked three blocks to work. My biggest concern is the fact that you need those extra eight spaces. I know about landscaping – it is beautiful. Eight spaces aren’t even enough. I don’t see getting rid of those eight.”

Councilor Ferguson said, “This is a tough nut to crack. There are several issues that come to mind. I believe it is true that parking in the CBD is a community-wide public problem. Having served as Police Chief in the past and having to try to find solutions, I know it is a community issue. I don’t think it is right to coerce one applicant to solve a community issue, whether it is government or not. I am disappointed that the County hasn’t chosen to take the positive side of the issue to try a little extra hard to help with this issue. It think government can and should be the leaders and models of behavior we want to see in the community. There is not a universal solution to parking, activities and events. What is good for one is bad for another. For the Farmers Market – I don’t mind walking a few blocks to buy fresh produce. At the same time, that impacts another business. What is good for one isn’t good for everyone. That is part of the choices we have to make. One of the best things is the PUD. If we had to live under our zoning regulations we would be a fine example of negative growth. We could run everyone out of town. The PUD is the ability to tailor community needs and resources and come up with a customized plan. The strength of the LDC is the PUD flexibility to find ways to make things work. Rather than enforcing the framework, the PUD is the right thing to do. The value is to consider the facts and have the flexibility for a give-and-take solution.

Chair Larson said, “I am sympathetic to the parking issues. I see the problems every day. I agree it isn’t necessary for one entity to be the sole solver.” He asked, “Why, if there are currently 36 parking spaces using 17,084 square feet and 43 spaces will go to 14,570 square feet, why does 35 spaces use 11,560 square feet? Why do 36 spaces take more?”

Mr. Forrest responded, “The 35 spaces are focused in this area (pointing to the site plan). The sally port is paved currently and is working as a public parking lot. The reduction of pavement is because the sally port will be covered and the proposed parking is being focused in the one area. As far as special events [on the weekends], we don’t have personnel in the office, so that is parking that is available for events.”

Commissioner Ferchau asked what the distance is from the curb to the structure on northeast and if parallel parking could be put around that perimeter. Mr. Forrest responded that they are trying to create an isolated space because of security issues [transporting prisoners to court]. He said they are constrained by dimensions of the parking space and the drive aisle; they need 40 feet or so in width. Commissioner Ferchau asked Director Westbay if the County presented a site plan. Director



Westbay responded that staff has had discussions with the architect but site plan review will not occur until the building permit is applied for; zoning issues are addressed at the time of building permit. If zoning requirements aren't met the building permit won't be issued.

Mr. Forrest explained that there have been discussions about maintaining the historical structure and the lawn area in front.

Commissioner Ferchau said, "To Ken's point that it isn't preferential—it isn't the same process." Director Westbay responded that "As far as the process, we are on task. This is a land use review about documents of the PUD. The site-specific development plan will be to determine compliance with zoning when they come in for a building permit." Commissioner Ferchau said, "So the process is the same. The difference is that if I applied, I would have to change. This applicant doesn't want to change."

Mr. Forrest said, "Any developer can request a PUD. Given that our point of departure is 43 spaces. Our logic is, we chose to reduce the demand, the size of the building and the number of employees. I appreciate the point that we could go up to 80,000 square feet. If the City put a Condition on that, I can't say that would be unreasonable. Instead of providing 43 we are producing a reduction in demand."

Commissioner Ferchau. "Technically you could put a jail there. So you don't mind if we take it out?" Mr. Forrest responded, "I can't speak for the Board. But, based on the discussion that the parking under your code is connected to floor area, if you said we have to live by those numbers, that is reasonable." Commissioner Ferchau continued, saying, "Part of the equation is you are getting credit for perimeter [of the block] parking. Not all employees can park there. That is understood in the CBD, but not in your PUD and parking is a requirement."

Commissioner Tocke: "If you were to work within the 2006 PUD you would have 43 parking spaces. You feel that with the reduction of square footage and personnel you are requesting that we change the requirement. In making that choice, you are making a choice between landscaping and parking and increasing landscaping. The desire for increased landscaping came from public input. It seems like two issues. It is related in terms of reduction. Mr. Forrest responded, "Regarding landscaping, there were public hearings and meetings about design and that was something that came from those discussions." Commissioner Tocke observed that "Most people would prefer parking over landscaping. What is the County's dislike of parking on the south side?" Mr. Forrest said, "When I asked, 'why not do a building permit and do the parking?' I was told, 'Because it would become hardscape, versus trying to maintain a perimeter of landscaping'". It was from an urban design viewpoint, for aesthetics, and to soften the institutional building. This is not a request about saving money on parking, it is about aesthetics, from public meetings, and how it relates to residential and commercial uses."

Chair Larson observed that, "Should the Commission approve this reduction, they would like a Condition that ties to square footage of the building, so if you go back to 80,000 square feet, it would make this null and void."

Commissioner Beda. "We talk about a reduction of 48 employees. The word 'temporary' needs to go in front of that. It is only a temporary reduction. Build it and they will come. I don't see how the number of employees won't increase."

Councilor Ferguson: "I am in favor doing the PUD. I heard some Conditions that are prudent. Maximum allowable floor area; that means they could build to that. That would hugely exacerbate the problem. A Condition of limiting the allowable square feet and removing the jail option is prudent. We just invested in a nice jail facility. Temporary confinement because of the court is reasonable. That helps give future assurance. It would be difficult to limit the number of employees. With give and take we can preserve the community interest in a reasonable manner and allow the County to do what they need to in a reasonable manner."

Director Westbay: "Regarding counting employees, there will be changes in functions occasionally. Setting a square footage and landscaping is prudent."

Commissioner Beda: "The County is justifying that because of the number of employees, if they use that as a point, there needs to be a guarantee that will stay. I didn't want setting the number of employees as a Condition."

**Close Public Hearing.** Chair Larson closed the public hearing at 8:45 p.m.

**ACTION:**

Councilor Ferguson moved to recommend to City Council, Approval with modification of the Conditions regarding square footage and eliminating the jail.

**Discussion**

Councilor Ferguson. "The Condition would help manage the issue of the number of employees and will help bring us to the concerns we have had. I think as a Council representative, it would be a worthwhile discussion to challenge the County to work with the City to find ways to find places to park cars downtown. It would be better to work together than at odds with each other. What we are hearing is parking is still an important issue. We should not abandon seeking a solution."

Commissioner Ferchau: "There needs to be more clarity in the issue about expanding the square footage, it is a requirement that parking be added beyond the eight so that it is not just another one of these discussions where the applicant strong arms the situation. If the square footage changes it will require more parking."

Councilor Ferguson: "Regarding the maximum square footage, if they want to go over that it is another major change and how they address parking. The issue is parking."

Chair Larson: "I encourage the County to work with the City. There is an advantage to the County on sales tax revenue. That is outside the realm of the P&Z. The City has a \$30,000 chunk for downtown planning and development. This is a wonderful opportunity for collaboration."

Commissioner Ferguson: "We talked about what a parking space costs. But what it generates is important too. Depending upon the city, a parking lot can generate \$200,000 in sales."

Councilor Ferchau: "Are there mitigating alternatives? It is customary in the county to have mitigating fees. Can we make as a Condition, if approved, the commitment to plan and fund parking to resolve downtown issues."

Chair Larson: "That is better left to Council. We are just making a recommendation."

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Director Westbay: "The original PUD mentions an IGA and that the City and County jointly address parking."

Councilor Ferguson: "There are different assessments. At some point in the future the Commission could propose a parking fee."

Commissioner Ferchau: "That is more reason for us to take consideration of them. We don't want to go there [downtown parking fees]. The entity that is making the application should step up to their responsibilities and not put us in this box."

Councilor Ferguson: "I am willing to pursue an IGA to address parking."

Councilor Carolyn Riggs addressed the Commission and said, "I just had a conversation with people in Crested Butte about the "parking in lieu of" fee and how CB negotiates the issue. In our circumstances, it would be irrational; it is not feasible for us."

Commissioner Ferchau: "We need the parking, I will vote no." [regarding the vote on hand]

Commissioner Beda: "We should remand and get the information we need. There were enough opinions and good ideas that maybe it is time to start the plan again. It's not peak building season [so there is no rush]. I don't feel rejection is out of line."

Councilor Ferguson: "They are on a tight time line with their contractors. The City Council position was to do what we could to expedite the process."

Chair Larson: "We hear from applicants that time is money; the longer it drags on the more it costs."

Mr. Forrest: "We have a full blown construction project going on now."

Councilor Ferguson: "Could a motion communicate your concerns? Council has to do a public hearing as well."

Commissioner Ferchau asked Mr. Russell "How do you respond to time constraints – that were self-imposed? We have expedited the process; we have listened to people. There is concern about reducing parking. You have been sensitive to what has been said."

Mr. Forrest: "I would share that I have been doing this for about 25 years. Speaking pragmatically, there are two ways to address parking; reduce demand or increase supply. We are reducing demand. What you have developed as a Condition is a reasonable response to concerns. The overall issue of parking in the CBD is bigger than the Courthouse. As the applicant, my response is, we have proposed a plan that reduces demand and the supply of parking is one less than what is there today. We have reduced consumption. It should be incrementally better with the functions we have pulled out."

Commissioner Ferchau. "As a seasoned applicant the logic makes sense, but it also makes sense that you validate that [your assumptions] with the entity that was going to approve it." Mr. Forrest responded, "I asked that. The direction was that we want to go to the building permit process; we are under time pressure. The design team said that with the parameters and public input, we think

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the best design responds to public input and with reduction in demand it is a legitimate response and good urban design. That is the premise of our argument.”

Commissioner Ferchau asked: “If we make recommendations rather than remand, how does that keep the process on a fast track and still accomplish what we are suggesting? Can we expedite the process but still enforce that kind of message?”

Councilor Ferguson: “Ultimately, City Council is charged with making the decision. Council values P&Z input. That is why I would be happy to modify the motion to communicate the concerns of P&Z. They will have another public hearing and hear those same comments, plus written comments. That does address the issue that we are communicating concerns.”

Commissioner Beda: “If it goes back to the applicant, if they come up with eight spaces, they don’t have to come back to us.”

Commissioner Ferchau: “From a process standpoint, if we put it back to them, do they have to come back to us?” Councilor Ferguson responded, “If you recommend a remand, City Council will consider that. They would deliberate the public hearing, look at the minutes and make a decision if they want to remand, approve or deny. If the County chose to include those eight spaces, it would be moot.” Mr. Forrest: “That has been a deliberate discussion.”

Commissioner Ferchau: “I want to send a recommendation to remand to Council.”

Councilor Ferguson: “Council has to deal with it one way or another.” Director Westbay explained that a remand must be accompanied by instructions.

Chair Larson: “Special events lack parking. Now that you don’t have the Sherriff, State Patrol and dispatchers, the net parking during special events is an increase.”

Director Westbay: “It sounds like you are talking about another Finding that this is a community issue that must be addressed and that the Board of County Commissioners should be at the table with City Council to discuss it.”

Commissioner Ferchau: “That is appropriate and sends a message to the community.”

Chair Larson: “We aren’t going to resolve that here whether we remand or approve.”

Council Ferguson: “It is a good way to communicate the concern to Council and the County Commissioners.”

Commissioner Beda: “There is still a strong faction that wants to block off Virginia Avenue and that will eliminate a lot more parking spaces. That has been a point of contention.”

**ACTION**

During the Planning and Zoning Commission meeting held on January 22, 2014, Councilor Ferguson moved, Commissioner Beda seconded and the Planning and Zoning Commission voted to recommend APPROVAL, to City Council of Zoning Amendment application ZA 13-6, for a Major Change to the PUD Commercial zoning for the Courthouse property, based on the following Findings of Fact:

FINDINGS:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code (1997)*, the *City of Gunnison Master Plan*, and the proceeding records associated with the initial PUD application (ZA06-6), which resulted in the passage of the City of Gunnison Ordinance 11, Series 2006.
2. It is the intention of the City Council in regulating land uses under the confines of the *Land Development Code*, to fully exercise all relevant powers conferred on it by the laws of the State of Colorado, including but not limited to the following:
  - A. **Home Rule Municipality.** All of the powers reserved to the city as a home rule municipality under Article XX of the *Colorado Constitution*.
  - B. **State Enabling Legislation.** All powers granted to the City by:
    - 1) Article 20 of title 29, C.R.S. the provision of the Local Government Land Use Control Enabling Act of 1974 (article 20 of title 29, C.R.S).
    - 2) Article, 67, of title 24, C.R.S., which authorize the planned unit development approach to land development.
    - 3) Article 23 of title 31, C.R.S., which enables municipalities to adopt zoning regulations and subdivision requirements.
    - 4) All Other Powers Authorized. All other powers authorized by *Statute* or by common law for the regulation of land uses, land development and subdivision, including but not limited to, the power to abate nuisances.
3. A driving factor for the submittal of the County's 2006 PUD application is due to the fact that parking demand standards related to the underlying Commercial district zoning in effect at that time were not achievable without building a major parking facility. The Planning and Zoning Commission finds that the PUD zoning amendment was passed by the City Council (Ordinance 11, Series 2006) with specific standards for future uses, dimensional standards, and on-site parking.
4. The Planning and Zoning Commission finds that a major change to a PUD may be approved only by submission and reconsideration of a new PUD zoning plan and supporting data.
5. The Planning and Zoning Commission finds that the specific application request of this PUD Major Change is to reduce the PUD parking requirement, established by Ordinance 11, Series 2006, from the required minimum of 43 off-street parking spaces to 35 off-street parking spaces.
6. The Planning and Zoning Commission finds that the existing LDC requires approximately 145 off-street parking spaces for the facility size and use.
7. The Planning and Zoning Commission finds that, except for amendments to the minimum on-site parking standard, all other conditions and development standards established by Ordinance 11, Series 2006 will remain in effect.
8. The Planning and Zoning Commission finds that the County PUD Major Change application (ZA13-6) establishes that the Courthouse redevelopment will result in 43,651 SF building floor area which is a 46 percent reduction in permitted maximum floor area established by Ordinance 11, Series 2006.

9. The Planning and Zoning Commission finds that the County PUD Major Change application (ZA13-6) establishes that the Courthouse redevelopment will provide 47,490 SF of landscaped area, an increase of 125 percent when compared to the required minimum landscaped area (21,060 SF) established by Ordinance 11, Series 2006.
10. The Planning and Zoning Commission finds that administrative staffing numbers have changed at the Courthouse site since 2006 including a reduction of employees by 48 percent.
11. The inherent activities of the existing and future Courthouse generate parking demand that exceeds the existing and future parking capacity of the site. The Planning and Zoning Commission finds that periodically intense Courthouse activities affect neighbors.
12. While the proposed Courthouse redevelopment does not provide parking spaces to fulfill the generated on-site parking demand, the approved 2006 PUD determined that reducing parking standards below the threshold set forth by the City's *Land Development Code* for such a facility was appropriate. The Planning and Zoning Commission finds that the County Major Change application (ZA13-6) reasons that the parking reduction request considered herein is commensurate to the reduced building area, and this reduction allows for the protection of the civic courtyard.
13. The Planning and Zoning Commission finds that the Courthouse provides valuable services to the Community and is an integral component of the downtown area.
14. Finding M of Ordinance 11, Series 2006 noted that the County needed to address the future relocation of the existing wastewater main line located under the Courthouse, and this PUD Major Change application (ZA13-6) includes a Utilities drawing depicting the proposed realignment of the main. The Planning and Zoning Commission finds that engineered plans and profile drawings are required to assess the proposed alignment and ensure that the wastewater has adequate fall. The Planning and Zoning Commission further finds that it is in the best interest of the City for maintaining this critical utility service, to obtain a surveyed easement with adequate dimension to meet City service needs across those portions of County-owned real property affected by the waste water main realignment.
15. The Planning and Zoning Commission finds that the public parking in the downtown area is a community-wide issue and the Board of County Commissioners and the City Council must work together to find equitable solutions to resolve the existing and future parking issues.
16. The Planning and Zoning Commission finds that, based on the Findings cited above, the approval of this Major Change does not negatively impact the community's health, safety and welfare as long as the following conditions have been met.

CONDITIONS:

1. Prior to issuance of a building permit the County shall provide plans and profiles of the proposed wastewater main relocation established by a Colorado licensed professional engineer, and those engineered plans are subject to review, modification and approval by the City Engineer.
2. Prior to issuance of any Certificate of Occupancy by the City's Building Official, the County shall record an exclusive easement document developed under the supervision of a surveyor

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licensed by the State of Colorado, establishing a utility easement (20 foot width) along the wastewater main plan view alignment, and the said easement shall be dedicated to the City of Gunnison. The easement instrument shall be subject to review, modification and approval by the City Manager, prior to recording.

3. The PUD Commercial zone district is specifically conditioned upon the following limitations and conditions. Changes from Ordinance 11, Series 2006 include: the maximum floor area (45,500 square feet), the minimum number of off-street parking spaces (35 spaces) and a change to the allowed uses to prohibit overnight jail detention.

<b><i>Courthouse PUD Development &amp; Use Regulations</i></b>	
<b><i>Criteria</i></b>	<b><i>PUD</i></b>
Maximum Floor Area (sf)	45,500 Square Feet
Maximum Lot Coverage of Structures (Footprint)	41% or 33,250 Square Feet
Maximum Lot Coverage of Parking and Access	18% or 14,570 Square Feet
Minimum Lot Coverage of Landscaping	26 % or 21,060 Square Feet
Minimum Off-Street Parking Spaces	35 Off-Street Parking Spaces, based on the complete record of PUD Major Change application (ZA13-6).
Maximum Building Height	No greater than 43 feet; architectural projections such as cupolas, cornices, etc. may be a maximum of 45 feet.
Setbacks	All buildings shall maintain a 10 setback from property lines. Parking facilities may be placed up to the property line.
Allowed Uses	Government administrative facilities, services and buildings; Professional Offices; Commercial parking (surface or structure). All other uses not cited herein shall be prohibited.
Site Plan	An illustrative site plan has been provided with the application and that site plan will serve as an administrative document in the assessment of future development of the site. Any significant alterations of the site plan dated November 7, 2013 may be subject to City staff and City Council review.
Other Standards	All other development standards not noted herein shall comply with those standards of the Gunnison Municipal Code.

Roll Call Yes: Ferchau, Tocke, Larson, Beda, Ferguson  
Roll Call No: Cave  
Roll Call Abstain:  
Motion carried

- V. **CONSIDERATION OF THE JANUARY 8, 2013 MEETING MINUTES.** Commissioner Beda moved and Commissioner Cave seconded, to approve the January 8, 2104 meeting minutes as presented.

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Roll Call Yes: Ferchau, Tocke, Larson, Ferguson, Cave, Beda  
Roll Call No:  
Roll Call Abstain:  
Motion carried

- VI. MOTION TO EXCUSE COMMISSIONER NIEMEYER.** Commissioner Tocke moved and Commissioner Cave seconded, to approve excuse Commissioner Niemeyer from the January 22, 2014 meeting.

Roll Call Yes: Ferchau, Larson, Beda, Ferguson, Cave, Tocke  
Roll Call No:  
Roll Call Abstain:  
Motion carried

- VII. COUNCIL UPDATE.** Councilor Ferguson reported that the City Council did not meet on January 21<sup>st</sup>, so he had nothing to report.

**VIII. COMMISSIONER COMMENTS**

- Councilor Ferguson: "This was positive exercise; we live in a place where we can express our feelings. It is gratifying to have people at the meeting. It was a good example of democracy in action. Discussion and difference of opinion is healthy.
- Commissioner Ferchau: "I would hope that as a government entity, we would set a different example than the County is setting by coming to us with this. It appears to be an aggressive approach by them. I would hope the City would take a higher road, they generally do.
- Chair Larson: "The challenge to Council is to push that Finding of Fact forward and address the parking that has been an issue for so many years. Hopefully City Council can get the County to come to the table.

- IX. PLANNING UPDATE.** Director Westbay reported that staff is:

- still working on grants and he has had productive meetings with partners;
- working on remodeling City Hall since the Police Department moved out and has filed a demolition permit with the State;
- haven't looked at the *Master Plan*, but that is on top of the list; and,
- he took time off and went to the National Western Stockshow where his daughter competed and took 4<sup>th</sup> place in the children's gold medal class, qualifying for nationals.

Commissioner Ferchau said that candidates for the presidency at the university will be visiting campus and there is a schedule for public greetings. He encouraged people to go and participate.

- X. ADJOURN.** Chair Larson the meeting at 9:35 p.m.

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Greg Larson, Chair

Attest:

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Pam Cunningham, Secretary